

1           \*-1261/5.663\* \*-1261/P3.497\* **SECTION 1758.** 49.90 (4) of the statutes is  
2 amended to read:

3           49.90 (4) The circuit court shall in a summary way hear the allegations and  
4 proofs of the parties and by order require maintenance from these relatives, if they  
5 have sufficient ability, considering their own future maintenance and making  
6 reasonable allowance for the protection of the property and investments from which  
7 they derive their living and their care and protection in old age, in the following  
8 order: First the husband or wife; then the father and the mother; and then the  
9 grandparents in the instances in which sub. (1) (a) 2. applies. The order shall specify  
10 a sum which will be sufficient for the support of the dependent person under sub. (1)  
11 (a) 1. or the maintenance of a child of a dependent person under sub. (1) (a) 2., to be  
12 paid weekly or monthly, during a period fixed by the order or until the further order  
13 of the court. If the court is satisfied that any such relative is unable wholly to  
14 maintain the dependent person or the child, but is able to contribute to the person's  
15 support or the child's maintenance, the court may direct 2 or more of the relatives  
16 to maintain the person or the child and prescribe the proportion each shall  
17 contribute. If the court is satisfied that these relatives are unable together wholly  
18 to maintain the dependent person or the child, but are able to contribute to the  
19 person's support or the child's maintenance, the court shall direct a sum to be paid  
20 weekly or monthly by each relative in proportion to ability. Contributions directed  
21 by court order, if for less than full support, shall be paid to the department of health  
22 and family services or the department of children and families, whichever is  
23 appropriate, and distributed as required by state and federal law. An order under  
24 this subsection that relates to maintenance required under sub. (1) (a) 2. shall  
25 specifically assign responsibility for and direct the manner of payment of the child's

1 health care expenses, subject to the limitations under subs. (1) (a) 2. and (11). Upon  
2 application of any party affected by the order and upon like notice and procedure, the  
3 court may modify such an order. Obedience to such an order may be enforced by  
4 proceedings for contempt.

5 **\*-1261/5.664\* \*-1261/P3.498\* SECTION 1759.** 50.01 (1g) (b) of the statutes is  
6 amended to read:

7 50.01 (1g) (b) A facility or private home that provides care, treatment, and  
8 services only for victims of domestic abuse, as defined in s. ~~46.95~~ 49.165 (1) (a), and  
9 their children.

10 **\*-1198/P4.6\* SECTION 1760.** 50.02 (2) (d) of the statutes is renumbered 50.02  
11 (2) (d) (intro.) and amended to read:

12 50.02 (2) (d) (intro.) The department shall promulgate rules that prescribe the  
13 ~~time periods and the methods of providing information specified in ss. 50.033 (2r) and~~  
14 ~~(2s), 50.034 (5m) and (5n), 50.035 (4m) and (4n) and 50.04 (2g) (a) and (2h) (a). all of~~  
15 the following:

16 **\*-1198/P4.7\* SECTION 1761.** 50.02 (2) (d) 1. of the statutes is created to read:

17 50.02 (2) (d) 1. The method by which community-based residential facilities  
18 shall make referrals to resource centers or county departments under s. 50.035 (4n)  
19 and the method by which residential care apartment complexes shall make referrals  
20 to resource centers under s. 50.034 (5n).

21 **\*-1198/P4.8\* SECTION 1762.** 50.02 (2) (d) 2. of the statutes is created to read:

22 50.02 (2) (d) 2. The time period for nursing homes to provide information to  
23 prospective residents under s. 50.04 (2g) (a) and the time period and method by which  
24 nursing homes shall make referrals to resource centers under s. 50.04 (2h) (a).

25 **\*-1198/P4.9\* SECTION 1765.** 50.033 (2r) of the statutes is repealed.

1       \*-1198/P4.10\* SECTION 1766. 50.033 (2s) of the statutes is repealed.

2       \*-1198/P4.11\* SECTION 1767. 50.033 (2t) of the statutes is repealed.

3       \*-1198/P4.12\* SECTION 1769. 50.034 (5m) of the statutes is amended to read:

4       50.034 (5m) PROVISION OF INFORMATION REQUIRED. Subject to sub. (5p), when a  
5       residential care apartment complex shall, ~~within the time period after inquiry by~~  
6       first provides written material regarding the residential care apartment complex to  
7       a prospective resident that is prescribed by the department by rule, inform, the  
8       residential care apartment complex shall also provide the prospective resident of  
9       information specified by the department concerning the services of a resource center  
10       under s. 46.283, the family care benefit under s. 46.286, and the availability of a  
11       functional screening and a financial screen and cost-sharing screening to determine  
12       the prospective resident's eligibility for the family care benefit under s. 46.286 (1).

13       \*-1198/P4.13\* SECTION 1770. 50.034 (5n) (intro.) of the statutes is amended  
14       to read:

15       50.034 (5n) REQUIRED REFERRAL. (intro.) Subject to sub. (5p), when a residential  
16       care apartment complex shall, ~~within the time period prescribed by the department~~  
17       by rule, refer to a resource center under s. 46.283 a person who is seeking admission,  
18       first provides written material regarding the residential care apartment complex to  
19       a prospective resident who is at least 65 years of age or has developmental disability  
20       or a physical disability and whose disability or condition is expected to last at least  
21       90 days, the residential care apartment complex shall refer the prospective resident  
22       to a resource center under s. 46.283, unless any of the following applies:

23       \*-0330/P6.44\* SECTION 1771. 50.034 (5n) (a) of the statutes is amended to  
24       read:

1           50.034 (5n) (a) For a person who has received a screen for whom a screening  
2           for functional eligibility under s. 46.286 (1) (a) has been performed within the  
3           previous 6 months, the referral under this subsection need not include performance  
4           of an additional functional screen screening under s. 46.283 (4) (g).

5           **\*-0330/P6.45\* SECTION 1772.** 50.034 (5n) (d) of the statutes is amended to  
6           read:

7           50.034 (5n) (d) For a person who seeks admission or is about to be admitted on  
8           a private pay basis and who waives the requirement for a financial screen and  
9           cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may  
10          not include performance of a financial screen and cost-sharing screening under s.  
11          46.283 (4) (g), unless the person is expected to become eligible for medical assistance  
12          within 6 months.

13          **\*-1198/P4.14\* SECTION 1773.** 50.035 (4m) of the statutes is amended to read:

14          50.035 (4m) PROVISION OF INFORMATION REQUIRED. Subject to sub. (4p), when a  
15          community-based residential facility shall, within the time period after inquiry by  
16          first provides written material regarding the community-based residential facility  
17          to a prospective resident that is prescribed by the department by rule, inform, the  
18          community-based residential facility shall also provide the prospective resident of  
19          information specified by the department concerning the services of a resource center  
20          under s. 46.283, the family care benefit under s. 46.286, and the availability of a  
21          functional screening and a financial screen and cost-sharing screening to determine  
22          the prospective resident's eligibility for the family care benefit under s. 46.286 (1).

23          **\*-1198/P4.15\* SECTION 1774.** 50.035 (4n) (intro.) of the statutes is amended  
24          to read:

1           50.035 (4n) REQUIRED REFERRAL. (intro.) ~~Subject to sub. (4p),~~ When a  
2 community-based residential facility shall, within the time period prescribed by the  
3 department by rule, refer to a resource center under s. 46.283 a person who is seeking  
4 admission, first provides written information regarding the community-based  
5 residential facility to a prospective resident who is at least 65 years of age or has  
6 developmental disability or a physical disability and whose disability or condition is  
7 expected to last at least 90 days, the community-based residential facility shall refer  
8 the individual to a resource center under s. 46.283 or, if the secretary has not certified  
9 under s. 46.281 (3) that a resource center is available in the area of the  
10 community-based residential facility to serve individuals in an eligibility group to  
11 which the prospective resident belongs, to the county department that administers  
12 a program under ss. 46.27 or 46.277, unless any of the following applies:

13           **\*-0330/P6.46\* SECTION 1775.** 50.035 (4n) (a) of the statutes is amended to  
14 read:

15           50.035 (4n) (a) ~~For a person who has received a screen for whom a screening~~  
16 for functional eligibility under s. 46.286 (1) (a) has been performed within the  
17 previous 6 months, the referral under this subsection need not include performance  
18 of an additional functional screen screening under s. 46.283 (4) (g).

19           **\*-0330/P6.47\* SECTION 1776.** 50.035 (4n) (d) of the statutes is amended to  
20 read:

21           50.035 (4n) (d) For a person who seeks admission or is about to be admitted on  
22 a private pay basis and who waives the requirement for a financial ~~screen~~ and  
23 cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may  
24 not include performance of a financial ~~screen~~ and cost-sharing screening under s.

1 46.283 (4) (g), unless the person is expected to become eligible for medical assistance  
2 within 6 months.

3 **\*-1198/P4.16\* SECTION 1777.** 50.035 (4p) of the statutes is amended to read:

4 50.035 (4p) APPLICABILITY. ~~Subsections~~ Subsection (4m) and ~~(4n) apply~~ applies  
5 only if the secretary has certified under s. 46.281 (3) that a resource center is  
6 available for the community-based residential facility and for specified groups of  
7 eligible individuals that include those persons seeking admission to or the residents  
8 of the community-based residential facility.

9 **\*-1198/P4.17\* SECTION 1779.** 50.035 (7) of the statutes is repealed.

10 **\*-1198/P4.18\* SECTION 1780.** 50.035 (9) of the statutes is repealed.

11 **\*-0330/P6.48\* SECTION 1782.** 50.04 (2g) (a) of the statutes is amended to read:

12 50.04 (2g) (a) Subject to sub. (2i), a nursing home shall, within the time period  
13 after inquiry by a prospective resident that is prescribed by the department by rule,  
14 inform the prospective resident of the services of a resource center under s. 46.283,  
15 the family care benefit under s. 46.286, and the availability of a functional screening  
16 and a financial screen and cost-sharing screening to determine the prospective  
17 resident's eligibility for the family care benefit under s. 46.286 (1).

18 **\*-0330/P6.49\* SECTION 1783.** 50.04 (2h) (a) 1. of the statutes is amended to  
19 read:

20 50.04 (2h) (a) 1. For a person ~~who has received a screen~~ for whom a screening  
21 for functional eligibility under s. 46.286 (1) (a) has been performed within the  
22 previous 6 months, the referral under this paragraph need not include performance  
23 of an additional functional ~~screen~~ screening under s. 46.283 (4) (g).

24 **\*-0330/P6.50\* SECTION 1784.** 50.04 (2h) (a) 4. of the statutes is amended to  
25 read:

1           50.04 (2h) (a) 4. For a person who seeks admission or is about to be admitted  
2   on a private pay basis and who waives the requirement for a financial ~~screen~~ and  
3   cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may  
4   not include performance of a financial ~~screen~~ and cost-sharing screening under s.  
5   46.283 (4) (g), unless the person is expected to become eligible for medical assistance  
6   within 6 months.

7           **\*-0330/P6.51\* SECTION 1792.** 50.06 (7) of the statutes is amended to read:

8           50.06 (7) An individual who consents to an admission under this section may  
9   request that an assessment be conducted for the incapacitated individual under the  
10   long-term support community options program under s. 46.27 (6) or, if the secretary  
11   has certified under s. 46.281 (3) that a resource center is available for the individual,  
12   a functional screening and a financial screen and cost-sharing screening to  
13   determine eligibility for the family care benefit under s. 46.286 (1). If admission is  
14   sought on behalf of the incapacitated individual or if the incapacitated individual is  
15   about to be admitted on a private pay basis, the individual who consents to the  
16   admission may waive the requirement for a financial ~~screen~~ and cost-sharing  
17   screening under s. 46.283 (4) (g), unless the incapacitated individual is expected to  
18   become eligible for medical assistance within 6 months.

19           **\*b0251/3.5\* SECTION 1799m.** 50.135 (3) of the statutes is amended to read:

20           50.135 (3) EXEMPTION. The inpatient health care facilities under ss. 45.50,  
21   48.62, 51.05, 51.06, 233.40, 233.41, ~~233.42~~ and 252.10 are exempt from this section.

22           **\*-0332/4.1\* SECTION 1800.** 50.14 (2) (intro.) of the statutes is amended to read:

23           50.14 (2) (intro.) For the privilege of doing business in this state, there is  
24   imposed on all licensed beds of a facility an assessment ~~that may not exceed \$445 per~~  
25   ~~calendar month per licensed bed of an intermediate care facility for the mentally~~

1     ~~retarded and an assessment that may not exceed \$75 in the following amount per~~  
2     ~~calendar month per licensed bed of -a nursing home. the facility:~~

3             **(2g)** The assessment moneys collected under this section shall be deposited in  
4     ~~the general fund, except amounts in excess of \$13,800,000 shall be deposited in the~~  
5     Medical Assistance trust fund.

6             **(2r)** In determining the number of licensed beds, all of the following apply:

7             **\*b0052/1.3\* SECTION 1801g.** 50.14 (2) (a) of the statutes is renumbered 50.14  
8     (2r) (a).

9             **\*-0332/4.3\* SECTION 1802.** 50.14 (2) (am) of the statutes is created to read:  
10     50.14 (2) (am) For nursing homes, an amount not to exceed \$75.

11             **\*b0052/1.4\* SECTION 1803m.** 50.14 (2) (b) of the statutes is renumbered 50.14  
12     (2r) (b).

13             **\*-0332/4.5\* SECTION 1804.** 50.14 (2) (bm) of the statutes is created to read:

14     50.14 (2) (bm) For intermediate care facilities for the mentally retarded, an  
15     amount calculated by multiplying the projected annual gross revenues of all  
16     intermediate care facilities for the mentally retarded in this state by 0.055, dividing  
17     the product by the number of licensed beds of intermediate care facilities in this state  
18     and dividing the quotient by 12.

19             **\*-0332/4.6\* SECTION 1805.** 50.14 (2m) of the statutes is created to read:

20     50.14 (2m) Prior to each state fiscal year, the department shall calculate the  
21     amount of the assessment under sub. (2) (bm) that shall apply during the fiscal year.  
22     The department may reduce the assessment amount during a state fiscal year to  
23     avoid collecting for the fiscal year an amount in bed assessment receipts under sub.  
24     (2) (bm) that exceeds 5.5 percent of the aggregate gross revenues for intermediate  
25     care facilities for the mentally retarded for the fiscal year.



1       **\*-1198/P4.19\* SECTION 1806.** 50.36 (2) (c) of the statutes is repealed.

2       **\*-1198/P4.20\* SECTION 1808.** 50.38 of the statutes is repealed.

3       **\*-0330/P6.52\* SECTION 1809.** 50.49 (6m) (am) of the statutes is created to read:

4       50.49 (6m) (am) An entity with which a care management organization, as  
5       defined in s. 46.2805 (1), contracts for care management services under s. 46.284 (4)  
6       (d), for purposes of providing the contracted services.

7       **\*-1261/5.665\* \*-1267/P1.205\* SECTION 1810.** 50.498 (1m) of the statutes is  
8       amended to read:

9       50.498 (1m) If an individual who applies for a certificate of approval, license  
10      or provisional license under sub. (1) does not have a social security number, the  
11      individual, as a condition of obtaining the certificate of approval, license or  
12      provisional license, shall submit a statement made or subscribed under oath or  
13      affirmation to the department that the applicant does not have a social security  
14      number. The form of the statement shall be prescribed by the department of  
15      ~~workforce development~~ children and families. A certificate of approval, license or  
16      provisional license issued in reliance upon a false statement submitted under this  
17      subsection is invalid.

18      **\*b1242/1.1\* SECTION 1810r.** 51.03 (6) of the statutes is created to read:

19      51.03 (6) The department shall issue a request for proposals to provide  
20      pharmacy management services for all state treatment facilities.

21      **\*-1261/5.666\* \*-1267/P1.206\* SECTION 1811.** 51.032 (1m) of the statutes is  
22      amended to read:

23      51.032 (1m) If an individual who applies for a certification or approval under  
24      sub. (1) does not have a social security number, the individual, as a condition of  
25      obtaining the certification or approval, shall submit a statement made or subscribed

1 under oath or affirmation to the department that the applicant does not have a social  
2 security number. The form of the statement shall be prescribed by the department  
3 of ~~workforce development~~ children and families. A certification or approval issued  
4 in reliance upon a false statement submitted under this subsection is invalid.

5 **\*-0905/3.76\* SECTION 1812.** 51.038 of the statutes is amended to read:

6 **51.038 Outpatient mental health clinic certification.** Except as provided  
7 in s. 51.032, if a facility that provides mental health services on an outpatient basis  
8 holds current accreditation from the council on accreditation of services for families  
9 and children, the department may accept evidence of this accreditation as equivalent  
10 to the standards established by the department, for the purpose of certifying the  
11 facility for the receipt of funds for services provided as a benefit to a medical  
12 assistance recipient under s. 49.46 (2) (b) 6. f. or 49.471 (11) (k), a community aids  
13 funding recipient under s. 51.423 (2) or as mandated coverage under s. 632.89.

14 **\*-0905/3.77\* SECTION 1813.** 51.04 of the statutes is amended to read:

15 **51.04 Treatment facility certification.** Except as provided in s. 51.032, any  
16 treatment facility may apply to the department for certification of the facility for the  
17 receipt of funds for services provided as a benefit to a medical assistance recipient  
18 under s. 49.46 (2) (b) 6. f. or 49.471 (11) (k) or to a community aids funding recipient  
19 under s. 51.423 (2) or provided as mandated coverage under s. 632.89. The  
20 department shall annually charge a fee for each certification.

21 **\*-0459/2.3\* SECTION 1814.** 51.15 (9) of the statutes is amended to read:

22 **51.15 (9) NOTICE OF RIGHTS.** At the time of detention the individual shall be  
23 informed by the director of the facility or such person's designee, both orally and in  
24 writing, of his or her right to contact an attorney and a member of his or her  
25 immediate family, the right to have an attorney provided at public expense, as

1 provided under s. 967.06 and ch. 977, if the individual is a child or is indigent, 51.60,  
2 and the right to remain silent and that the individual's statements may be used as  
3 a basis for commitment. The individual shall also be provided with a copy of the  
4 statement of emergency detention.

5 **\*-0459/2.4\* SECTION 1815.** 51.20 (3) of the statutes is amended to read:

6 51.20 (3) LEGAL COUNSEL. At the time of the filing of the petition the court shall  
7 assure that the subject individual is represented by adversary counsel. ~~If the~~  
8 ~~individual claims or appears to be indigent, the court shall refer the person to the~~  
9 ~~authority for indigency determinations specified under s. 977.07 (1). If the~~  
10 ~~individual is a child, the court shall refer that child by referring the individual to the~~  
11 state public defender, who shall appoint counsel for the ~~child~~ individual without a  
12 determination of indigency, as provided in s. 48.23 (4) 51.60.

13 **\*-0459/2.5\* SECTION 1816.** 51.20 (18) (c) of the statutes is amended to read:

14 51.20 (18) (c) Expenses of the proceedings from the presentation of the  
15 statement of emergency detention or petition for commitment to the conclusion of the  
16 proceeding shall be allowed by the court and paid by the county from which the  
17 subject individual is detained, committed, or released, in the manner that the  
18 expenses of a criminal prosecution are paid, as provided in s. 59.64 (1). ~~Payment of~~  
19 ~~attorney fees for appointed attorneys in the case of children and indigents shall be~~  
20 ~~in accordance with ch. 977.~~

21 **\*-1261/5.667\* \*-1261/P3.499\* SECTION 1817.** 51.30 (4) (b) 27. of the statutes  
22 is amended to read:

23 51.30 (4) (b) 27. For the purpose of entering information concerning the subject  
24 individual into the statewide automated child welfare information system  
25 established under s. 46.03 48.47 (7g).

1           **\*-0459/2.6\* SECTION 1818.** 51.35 (1) (e) 1. of the statutes is amended to read:

2           51.35 (1) (e) 1. Whenever any transfer between different treatment facilities  
3 results in a greater restriction of personal freedom for the patient and whenever the  
4 patient is transferred from outpatient to inpatient status, the department or the  
5 county department specified under par. (a) shall inform the patient both orally and  
6 in writing of his or her right to contact an attorney and a member of his or her  
7 immediate family, the right to have counsel provided at public expense, as provided  
8 under s. ~~967.06 and ch. 977, if the patient is a child or is indigent~~ 51.60, and the right  
9 to petition a court in the county in which the patient is located or the committing  
10 court for a review of the transfer.

11           **\*-0459/2.7\* SECTION 1819.** 51.35 (1) (e) 2. c. of the statutes is amended to read:

12           51.35 (1) (e) 2. c. The patient's right to have counsel provided at public expense,  
13 as provided under s. ~~967.06 and ch. 977, if the patient is a child or is indigent~~ 51.60.

14           **\*-1261/5.668\* \*-1261/P3.500\* SECTION 1820.** 51.42 (3) (as) 1. of the statutes  
15 is amended to read:

16           51.42 (3) (as) 1. A county department of community programs shall authorize  
17 all care of any patient in a state, local, or private facility under a contractual  
18 agreement between the county department of community programs and the facility,  
19 unless the county department of community programs governs the facility. The need  
20 for inpatient care shall be determined by the program director or designee in  
21 consultation with and upon the recommendation of a licensed physician trained in  
22 psychiatry and employed by the county department of community programs or its  
23 contract agency. In cases of emergency, a facility under contract with any county  
24 department of community programs shall charge the county department of  
25 community programs having jurisdiction in the county where the patient is found.

1 The county department of community programs shall reimburse the facility for the  
2 actual cost of all authorized care and services less applicable collections under s.  
3 46.036, unless the department of health and family services determines that a  
4 charge is administratively infeasible, or unless the department of health and family  
5 services, after individual review, determines that the charge is not attributable to the  
6 cost of basic care and services. Except as provided in subd. 1m., a county department  
7 of community programs may not reimburse any state institution or receive credit for  
8 collections for care received therein in a state institution by nonresidents of this  
9 state, interstate compact clients, transfers under s. 51.35 (3), and transfers from  
10 Wisconsin state prisons under s. 51.37 (5) (a), commitments under s. 975.01, 1977  
11 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17 or 975.06 or admissions under s.  
12 975.17, 1977 stats., or children placed in the guardianship of the department of  
13 ~~health and family services~~ children and families under s. 48.427 or 48.43 or under  
14 the supervision of the department of corrections under s. 938.183 or 938.355. The  
15 exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs which  
16 that are attributable to care and treatment of the client.

17 **\*-1524/P3.80\* SECTION 1821.** 51.42 (3) (e) of the statutes is amended to read:

18 51.42 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78  
19 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3)  
20 (c) and 938.78 (2) (a), any subunit of a county department of community programs  
21 or tribal agency acting under this section may exchange confidential information  
22 about a client, without the informed consent of the client, with any other subunit of  
23 the same county department of community programs or tribal agency, with a  
24 resource center, a care management organization, or a family long-term care  
25 district, or with any person providing services to the client under a purchase of

1 services contract with the county department of community programs or tribal  
2 agency or with a resource center, care management organization, or family  
3 long-term care district, if necessary to enable an employee or service provider to  
4 perform his or her duties, or to enable the county department of community  
5 programs or tribal agency to coordinate the delivery of services to the client. Any  
6 agency releasing information under this paragraph shall document that a request  
7 was received and what information was provided.

8 **SECTION 1821m.** 51.423 (2) of the statutes is amended to read:

9 51.423 (2) From the appropriations under s. 20.435 (7) (b) and (o), the  
10 department shall distribute the funding for services provided or purchased by county  
11 departments under s. 46.23, 51.42, or 51.437 to such county departments as provided  
12 under s. 46.40. County matching funds are required for the distributions under s.  
13 46.40 (2) and (9) (b). Each county's required match for the distributions under s.  
14 46.40 (2) for a year equals 9.89% of the total of the county's distributions under s.  
15 46.40 (2) for that year for which matching funds are required plus the amount the  
16 county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile  
17 delinquency-related services from its distribution for 1987. Each county's required  
18 match for the distribution under s. 46.40 (9) (b) for a year equals 9.89% of that  
19 county's amounts described in s. 46.40 (9) ~~(a)~~ (ar) (intro.) for that year. Matching  
20 funds may be from county tax levies, federal and state revenue sharing funds, or  
21 private donations to the counties that meet the requirements specified in sub. (5).  
22 Private donations may not exceed 25% of the total county match. If the county match  
23 is less than the amount required to generate the full amount of state and federal  
24 funds distributed for this period, the decrease in the amount of state and federal

1 funds equals the difference between the required and the actual amount of county  
2 matching funds.

3 **\*-1524/P3.81\* SECTION 1822.** 51.437 (4r) (b) of the statutes is amended to  
4 read:

5 51.437 (4r) (b) Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83,  
6 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), any  
7 subunit of a county department of developmental disabilities services or tribal  
8 agency acting under this section may exchange confidential information about a  
9 client, without the informed consent of the client, with any other subunit of the same  
10 county department of developmental disabilities services or tribal agency, with a  
11 resource center, a care management organization, or a family long-term care  
12 district, or with any person providing services to the client under a purchase of  
13 services contract with the county department of developmental disabilities services  
14 or tribal agency or with a resource center, a care management organization, or a  
15 family long-term care district, if necessary to enable an employee or service provider  
16 to perform his or her duties, or to enable the county department of developmental  
17 disabilities services or tribal agency to coordinate the delivery of services to the  
18 client. Any agency releasing information under this paragraph shall document that  
19 a request was received and what information was provided.

20 **\*-1261/5.669\* \*-1261/P3.501\* SECTION 1823.** 51.437 (4rm) (a) of the statutes  
21 is amended to read:

22 51.437 (4rm) (a) A county department of developmental disabilities services  
23 shall authorize all care of any patient in a state, local, or private facility under a  
24 contractual agreement between the county department of developmental disabilities  
25 services and the facility, unless the county department of developmental disabilities

1 services governs the facility. The need for inpatient care shall be determined by the  
2 program director or designee in consultation with and upon the recommendation of  
3 a licensed physician trained in psychiatry and employed by the county department  
4 of developmental disabilities services or its contract agency prior to the admission  
5 of a patient to the facility except in the case of emergency services. In cases of  
6 emergency, a facility under contract with any county department of developmental  
7 disabilities services shall charge the county department of developmental  
8 disabilities services having jurisdiction in the county where the individual receiving  
9 care is found. The county department of developmental disabilities services shall  
10 reimburse the facility, except as provided under par. (c), for the actual cost of all  
11 authorized care and services less applicable collections under s. 46.036, unless the  
12 department of health and family services determines that a charge is  
13 administratively infeasible, or unless the department of health and family services,  
14 after individual review, determines that the charge is not attributable to the cost of  
15 basic care and services. The exclusionary provisions of s. 46.03 (18) do not apply to  
16 direct and indirect costs which are attributable to care and treatment of the client.  
17 County departments of developmental disabilities services may not reimburse any  
18 state institution or receive credit for collections for care received ~~therein~~ in a state  
19 institution by nonresidents of this state, interstate compact clients, transfers under  
20 s. 51.35 (3) (a), commitments under s. 975.01, 1977 stats., or s. 975.02, 1977 stats.,  
21 or s. 971.14, 971.17 or 975.06, admissions under s. 975.17, 1977 stats., children  
22 placed in the guardianship of the department of ~~health and family services~~ children  
23 and families under s. 48.427 or 48.43 or juveniles under the supervision of the  
24 department of corrections under s. 938.183 or 938.355.

25 **\*b0382/3.9\* SECTION 1824b.** 51.437 (14) (i) of the statutes is created to read:



1           51.437 (14) (i) Ensure that the matching-funds requirement for the state  
2   developmental disabilities councils grant, as received from the federal department  
3   of health and human services, is met by reporting to the federal department of health  
4   and human services expenditures made for the provision of developmental  
5   disabilities services under the basic county allocation distributed under s. 46.40 (2).

6           **\*-0459/2.8\* SECTION 1827.** 51.45 (12) (b) (intro.), 1. and 3. of the statutes are  
7   consolidated, renumbered 51.45 (12) (b) and amended to read:

8           51.45 (12) (b) The physician, spouse, guardian, or a relative of the person  
9   sought to be committed, or any other responsible person, may petition a circuit court  
10   commissioner or the circuit court of the county in which the person sought to be  
11   committed resides or is present for commitment under this subsection. The petition  
12   shall: ~~1. State state~~ facts to support the need for emergency treatment; ~~3. Be and~~  
13   be supported by one or more affidavits which that aver with particularity the factual  
14   basis for the allegations contained in the petition.

15           **\*-0459/2.9\* SECTION 1828.** 51.45 (12) (b) 2. of the statutes is repealed.

16           **\*-0459/2.10\* SECTION 1829.** 51.45 (12) (c) 2. of the statutes is amended to read:

17           51.45 (12) (c) 2. Assure that the person sought to be committed is represented  
18   by counsel and, if the person claims or appears to be indigent, refer the person to the  
19   authority for indigency determinations specified under s. 977.07 (1) or, if the person  
20   is a child, refer that child by referring the person to the state public defender, who  
21   shall appoint counsel for the child person without a determination of indigency, as  
22   provided in s. 48.23 (4) 51.60.

23           **\*-0459/2.11\* SECTION 1830.** 51.45 (13) (b) 2. of the statutes is amended to read:

24           51.45 (13) (b) 2. Assure that the person is represented by counsel and, if the  
25   person claims or appears to be indigent, refer the person to the authority for

1 indigency determinations specified under s. 977.07 (1) or, if the person is a child, refer  
2 that child by referring the person to the state public defender, who shall appoint  
3 counsel for the child person without a determination of indigency, as provided in s.  
4 48.23 (4) 51.60. The person shall be represented by counsel at the preliminary  
5 hearing under par. (d). The person may, with the approval of the court, waive his or  
6 her right to representation by counsel at the full hearing under par. (f).

7 \*-0459/2.12\* SECTION 1831. 51.45 (13) (d) of the statutes is amended to read:

8 51.45 (13) (d) Whenever it is desired to involuntarily commit a person, a  
9 preliminary hearing shall be held under this paragraph. The purpose of the  
10 preliminary hearing shall be to determine if there is probable cause for believing that  
11 the allegations of the petition under par. (a) are true. The court shall assure that the  
12 person shall be is represented by counsel at the preliminary hearing and, if the  
13 person is a child or is indigent, by referring the person to the state public defender,  
14 who shall appoint counsel shall timely be appointed at public expense, as provided  
15 in s. 967.06 and ch. 977 for the person without a determination of indigency, as  
16 provided in s. 51.60. Counsel shall have access to all reports and records, psychiatric  
17 and otherwise, which have been made prior to the preliminary hearing. The person  
18 shall be present at the preliminary hearing and shall be afforded a meaningful  
19 opportunity to be heard. Upon failure to make a finding of probable cause under this  
20 paragraph, the court shall dismiss the petition and discharge the person from the  
21 custody of the county department.

22 \*-0459/2.13\* SECTION 1832. 51.45 (13) (j) of the statutes is amended to read:

23 51.45 (13) (j) Upon the filing of a petition for recommitment under par. (h), the  
24 court shall fix a date for a recommitment hearing within 10 days, and assure that the  
25 person sought to be recommitted is represented by counsel and, if the person is

1 ~~indigent, appoint by referring the person to the state public defender, who shall~~  
2 ~~appoint counsel for him or her, unless waived for the person without a determination~~  
3 ~~of indigency, as provided in s. 51.60.~~ The provisions of par. (e) relating to notice and  
4 to access to records, names of witnesses, and summaries of their testimony shall  
5 apply to recommitment hearings under this paragraph. At the recommitment  
6 hearing, the court shall proceed as provided under pars. (f) and (g).

7 **\*-0459/2.14\* SECTION 1833.** 51.45 (16) (c) of the statutes is repealed.

8 **\*-0459/2.15\* SECTION 1834.** 51.60 of the statutes is created to read:

9 **51.60 Appointment of counsel. (1) ADULTS.** (a) In any situation under this  
10 chapter in which an adult individual has a right to be represented by counsel, the  
11 individual shall be referred as soon as practicable to the state public defender, who  
12 shall appoint counsel for the individual under s. 977.08 without a determination of  
13 indigency.

14 (b) Except as provided in s. 51.45 (13) (b) 2., par. (a) does not apply if the  
15 individual knowingly and voluntarily waives counsel.

16 (2) MINORS. In any situation under this chapter in which a minor has a right  
17 to be represented by counsel, counsel for the minor shall be appointed as provided  
18 in s. 48.23 (4).

19 (3) RETAINED COUNSEL. Notwithstanding subs. (1) and (2), an individual subject  
20 to proceedings under this chapter is entitled to retain counsel of his or her own  
21 choosing at his or her own expense.

22 **\*-0459/2.16\* SECTION 1835.** 51.605 of the statutes is created to read:

23 **51.605 Reimbursement for counsel provided by the state. (1) INQUIRY.**  
24 At or after the conclusion of a proceeding under this chapter in which the state public  
25 defender has provided counsel for an adult individual, the court may inquire as to

1 the individual's ability to reimburse the state for the costs of representation. If the  
2 court determines that the individual is able to make reimbursement for all or part  
3 of the costs of representation, the court may order the individual to reimburse the  
4 state an amount not to exceed the maximum amount established by the public  
5 defender board under s. 977.075 (4). Upon the court's request, the state public  
6 defender shall conduct a determination of indigency under s. 977.07 and report the  
7 results of the determination to the court.

8 (2) PAYMENT. Reimbursement ordered under this section shall be made to the  
9 clerk of courts of the county where the proceedings took place. The clerk of courts  
10 shall transmit payments under this section to the county treasurer, who shall deposit  
11 25 percent of the payment amount in the county treasury and transmit the  
12 remainder to the secretary of administration. Payments transmitted to the  
13 secretary of administration shall be deposited in the general fund and credited to the  
14 appropriation account under s. 20.550 (1) (L).

15 (3) REPORT. By January 31st of each year, the clerk of courts for each county  
16 shall report to the state public defender the total amount of reimbursements ordered  
17 under sub. (1) in the previous calendar year and the total amount of reimbursements  
18 paid to the clerk under sub. (2) in the previous year.

19 \*b0111/3.6\* SECTION 1835c. 51.62 (3m) of the statutes is amended to read:

20 51.62 (3m) FUNDING. From the appropriation under s. 20.435 (7) (md), the  
21 department ~~may not~~ shall distribute ~~more than~~ \$75,000 in each fiscal year to the  
22 protection and advocacy agency for performance of community mental health  
23 protection and advocacy services.

24 \*-0459/2.17\* SECTION 1836. 55.10 (4) (a) of the statutes is amended to read:

1           55.10 (4) (a) *Counsel; costs.* The individual sought to be protected has the right  
2 to counsel whether or not the individual is present at the hearing on the petition.  
3 The court shall require representation by full legal counsel whenever the petition  
4 alleges that the individual is not competent to refuse psychotropic medication under  
5 s. 55.14, the individual sought to be protected requested such representation at least  
6 72 hours before the hearing, the guardian ad litem or any other person states that  
7 the individual sought to be protected is opposed to the petition, or the court  
8 determines that the interests of justice require it. If the individual sought to be  
9 protected or any other person on his or her behalf requests but is unable to obtain  
10 legal counsel, the court shall ~~appoint~~ refer the individual to the state public defender  
11 as provided under s. 55.105 for appointment of legal counsel. ~~Counsel shall be~~  
12 ~~provided at public expense, as provided under s. 967.06 and ch. 977, if the individual~~  
13 ~~is indigent. If the individual sought to be protected is an adult who is indigent, and~~  
14 ~~if counsel was not appointed under s. 977.08, the county in which the hearing is held~~  
15 ~~is liable for any fees due the individual's legal counsel.~~ If the individual sought to  
16 be protected is represented by counsel appointed under s. 977.08 in a proceeding for  
17 the appointment of a guardian under s. 880.33 ch. 54, the court shall order the  
18 counsel appointed under s. 977.08 to represent under this section the individual  
19 sought to be protected.

20           \*-0459/2.18\* SECTION 1837. 55.105 of the statutes is created to read:

21           **55.105 Appointment of counsel.** (1) In any situation under this chapter in  
22 which an adult individual has a right to be represented by legal counsel, the  
23 individual shall be referred as soon as practicable to the state public defender, who  
24 shall appoint counsel for the individual under s. 977.08 without a determination of  
25 indigency.

1           (2) In any situation under this chapter in which a minor has a right to be  
2 represented by legal counsel, legal counsel for the minor shall be appointed as  
3 provided in s. 48.23 (4).

4           (3) Notwithstanding subs. (1) and (2), an individual subject to proceedings  
5 under this chapter is entitled to retain counsel of his or her own choosing at his or  
6 her own expense.

7           \***-0459/2.19\*** SECTION 1838. 55.107 of the statutes is created to read:

8           **55.107 Reimbursement of counsel provided by the state.** (1) At or after  
9 the conclusion of a proceeding under this chapter in which the state public defender  
10 has provided legal counsel for an adult individual, the court may inquire as to the  
11 individual's ability to reimburse the state for the costs of representation. If the court  
12 determines that the individual is able to make reimbursement for all or part of the  
13 costs of representation, the court may order the individual to reimburse the state an  
14 amount not to exceed the maximum amount established by the public defender board  
15 under s. 977.075 (4). Upon the court's request, the state public defender shall  
16 conduct a determination of indigency under s. 977.07 and report the results of the  
17 determination to the court.

18           (2) Reimbursement ordered under this section shall be made to the clerk of  
19 courts of the county where the proceedings took place. The clerk of courts shall  
20 transmit payments under this section to the county treasurer, who shall deposit 25  
21 percent of the payment amount in the county treasury and transmit the remainder  
22 to the secretary of administration. Payments transmitted to the secretary of  
23 administration shall be deposited in the general fund and credited to the  
24 appropriation account under s. 20.550 (1) (L).

1           (3) By January 31st of each year, the clerk of courts for each county shall report  
2 to the state public defender the total amount of reimbursements ordered under sub.  
3 (1) in the previous calendar year and the total amount of reimbursements paid to the  
4 clerk under sub. (2) in the previous year.

5           \*-0459/2.20\* SECTION 1839. 55.135 (1) of the statutes is amended to read:

6           55.135 (1) If, ~~upon a credible report to or~~ from personal observation of, or a  
7 reliable report made by a person who identifies himself or herself to, a sheriff, police  
8 officer, fire fighter, guardian, if any, or authorized representative of a county  
9 department or an agency with which it contracts under s. 55.02 (2), it appears  
10 probable that an individual is so totally incapable of providing for his or her own care  
11 or custody as to create a substantial risk of serious physical harm to himself or herself  
12 or others as a result of developmental disabilities, degenerative brain disorder,  
13 serious and persistent mental illness, or other like incapacities if not immediately  
14 placed, the individual ~~under this paragraph who received the credible report or who~~  
15 personally made the observation or to whom the report is made may take into custody  
16 and transport the individual to an appropriate medical or protective placement  
17 facility. The person making emergency protective placement shall prepare a  
18 statement at the time of detention providing specific factual information concerning  
19 the person's observations or reports made to the person and the basis for emergency  
20 placement. The statement shall be filed with the director of the facility and with any  
21 petition under s. 55.075. At the time of emergency protective placement the  
22 individual shall be informed by the director of the facility or the director's designee,  
23 orally and in writing, of his or her right to contact an attorney and a member of his  
24 or her immediate family and the right to have an attorney provided at public  
25 expense, as provided under s. ~~967.06 and ch. 977, if the individual is a minor or is~~

1 indigent s. 55.105. The director or designee shall also provide the individual with  
2 a copy of the statement by the person making emergency protective placement.

3 **\*-0459/2.21\* SECTION 1840.** 55.14 (7) of the statutes is amended to read:

4 55.14 (7) Upon the filing of a petition under this section, the court shall ~~appoint~~  
5 make a referral for appointment of legal counsel as provided under s. 55.105. A  
6 petition under this section shall be heard ~~under s. 55.10 (4) (a) s. 55.06~~ within 30 days  
7 after it is filed.

8 **\*-0459/2.22\* SECTION 1841.** 55.15 (7) (cm) of the statutes is amended to read:

9 55.15 (7) (cm) The court shall ~~appoint counsel for~~ refer the individual under  
10 protective placement for appointment of legal counsel as provided under s. 55.105 if  
11 the individual, the individual's guardian ad litem, or anyone on the individual's  
12 behalf requests that counsel be appointed for the individual.

13 **\*-0459/2.23\* SECTION 1842.** 55.18 (3) (c) (intro.) of the statutes is amended to  
14 read:

15 55.18 (3) (c) (intro.) The court shall ~~order legal counsel for~~ refer an individual  
16 and, ~~if the individual appears to be indigent, refer him or her to the authority for~~  
17 ~~indigency determinations under s. 977.07 (1)~~ for appointment of legal counsel under  
18 s. 55.105 if any of the following apply:

19 **\*-0459/2.24\* SECTION 1843.** 55.19 (3) (c) (intro.) of the statutes is amended to  
20 read:

21 55.19 (3) (c) (intro.) The court shall ~~order legal counsel for~~ refer an individual  
22 and, ~~if the individual appears to be indigent, refer him or her to the authority for~~  
23 ~~indigency determinations under s. 977.07 (1)~~ for appointment of legal counsel under  
24 s. 55.105 if any of the following apply:



1           **\*-1261/5.670\* \*-1267/P1.207\* SECTION 1844.** 59.22 (2) (c) 2. of the statutes  
2 is amended to read:

3           59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the  
4 rules of the department of ~~workforce development~~ children and families under s.  
5 49.78 (4) to (7) relating to employees administering old-age assistance, aid to  
6 families with dependent children, aid to the blind, or aid to totally and permanently  
7 disabled persons or ss. 63.01 to 63.17.

8           **\*-1261/5.671\* \*-1267/P1.208\* SECTION 1845.** 59.40 (2) (p) of the statutes is  
9 amended to read:

10          59.40 (2) (p) Cooperate with the department of ~~workforce development~~ children  
11 and families with respect to the child and spousal support and establishment of  
12 paternity and medical support liability program under ss. 49.22 and 59.53 (5), and  
13 provide that department with any information from court records which it requires  
14 to administer that program.

15          **\*-1261/5.672\* \*-1267/P1.209\* SECTION 1846.** 59.52 (4) (a) 18. of the statutes  
16 is amended to read:

17          59.52 (4) (a) 18. Case records and other record material of all public assistance  
18 that are kept as required under ch. 49, if no payments have been made for at least  
19 3 years and if a face sheet or similar record of each case and a financial record of all  
20 payments for each aid account are preserved in accordance with rules adopted by the  
21 department of health and family services or by the department of ~~workforce~~  
22 ~~development~~ children and families. If the department of health and family services  
23 or the department of ~~workforce development~~ children and families has preserved  
24 such case records and other record material on computer disc or tape or similar  
25 device, a county may destroy the original records and record material under rules

1 adopted by the department that has preserved those case records or other record  
2 material.

3 **\*-1261/5.673\* \*-1261/P3.503\* SECTION 1847.** 59.53 (3) of the statutes is  
4 amended to read:

5 59.53 (3) COMMUNITY ACTION AGENCIES. The board may appropriate funds for  
6 promoting and assisting any community action agency under s. 46.30 49.265.

7 **\*-1261/5.674\* \*-1261/P3.504\* SECTION 1848.** 59.53 (5) (a) of the statutes is  
8 amended to read:

9 59.53 (5) (a) The board shall contract with the department of workforce  
10 development children and families to implement and administer the child and  
11 spousal support and establishment of paternity and the medical support liability  
12 programs provided for by Title IV of the federal social security act. The board may  
13 designate by board resolution any office, officer, board, department, or agency, except  
14 the clerk of circuit court, as the county child support agency. The board or county  
15 child support agency shall implement and administer the programs in accordance  
16 with the contract with the department of workforce development children and  
17 families. The attorneys responsible for support enforcement under sub. (6) (a),  
18 circuit court commissioners, and all other county officials shall cooperate with the  
19 county and the department of workforce development children and families as  
20 necessary to provide the services required under the programs. The county shall  
21 charge the fee established by the department of workforce development children and  
22 families under s. 49.22 for services provided under this paragraph to persons not  
23 receiving benefits under s. 49.148 or 49.155 or assistance under s. 46.261 48.645,  
24 49.19, or 49.47.

1           **\*-0905/3.78\* SECTION 1849.** 59.53 (5) (a) of the statutes, as affected by 2007  
2       Wisconsin Act .... (this act), is amended to read:

3           59.53 (5) (a) The board shall contract with the department of children and  
4       families to implement and administer the child and spousal support and  
5       establishment of paternity and the medical support liability programs provided for  
6       by Title IV of the federal social security act. The board may designate by board  
7       resolution any office, officer, board, department or agency, except the clerk of circuit  
8       court, as the county child support agency. The board or county child support agency  
9       shall implement and administer the programs in accordance with the contract with  
10      the department of children and families. The attorneys responsible for support  
11      enforcement under sub. (6) (a), circuit court commissioners and all other county  
12      officials shall cooperate with the county and the department of children and families  
13      as necessary to provide the services required under the programs. The county shall  
14      charge the fee established by the department of children and families under s. 49.22  
15      for services provided under this paragraph to persons not receiving benefits under  
16      s. 49.148 or 49.155 or assistance under s. 48.645, 49.19, or 49.46, 49.465, 49.47,  
17      49.471, or 49.472.

18           **\*-1261/5.675\* \*-1267/P1.211\* SECTION 1850.** 59.53 (5) (b) of the statutes is  
19      amended to read:

20           59.53 (5) (b) The county child support agency under par. (a) shall electronically  
21      enter into the statewide data system related to child and spousal support payments  
22      that is operated by the department of ~~workforce development~~ children and families  
23      the terms of any order made or judgment granted in the circuit court of the county  
24      requiring payments under s. 948.22 (7) or ch. 767 or 769 that are directed under s.  
25      767.57 (1) to be paid to the department of ~~workforce development~~ children and

1 families or its designee. The county child support agency shall enter the terms of any  
2 such order or judgment within the time required by federal law and shall enter  
3 revisions ordered by the court to any order or judgment the terms of which are  
4 maintained on the data system.

5 **\*-1261/5.676\* \*-1261/P3.505\* SECTION 1852.** 59.69 (15) (intro.) of the  
6 statutes is amended to read:

7 59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes  
8 of this section, the location of a community living arrangement for adults, as defined  
9 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743  
10 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in  
11 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any municipality,  
12 shall be subject to the following criteria:

13 **\*-1261/5.677\* \*-1261/P3.506\* SECTION 1853.** 59.69 (15) (c) of the statutes is  
14 amended to read:

15 59.69 (15) (c) ~~Where~~ If the community living arrangement has capacity for 8  
16 or fewer persons being served by the program, meets the criteria listed in pars. (a)  
17 and (b), and is licensed, operated, or permitted under the authority of the department  
18 of health and family services or the department of children and families, that facility  
19 is entitled to locate in any residential zone, without being required to obtain special  
20 zoning permission except as provided in par. (i).

21 **\*-1261/5.678\* \*-1261/P3.507\* SECTION 1854.** 59.69 (15) (d) of the statutes is  
22 amended to read:

23 59.69 (15) (d) ~~Where~~ If the community living arrangement has capacity for 9  
24 to 15 persons being served by the program, meets the criteria listed in pars. (a) and  
25 (b), and is licensed, or operated, or permitted under the authority of the department

1 of health and family services or the department of children and families, the facility  
2 is entitled to locate in any residential area except areas zoned exclusively for  
3 single-family or 2-family residences, except as provided in par. (i), but is entitled to  
4 apply for special zoning permission to locate in those areas. The municipality may  
5 grant special zoning permission at its discretion and shall make a procedure  
6 available to enable such facilities to request such permission.

7 **\*-1261/5.679\* \*-1261/P3.508\* SECTION 1855.** 59.69 (15) (e) of the statutes is  
8 amended to read:

9 59.69 (15) (e) Where If the community living arrangement has capacity for  
10 serving 16 or more persons, meets the criteria listed in pars. (a) and (b), and is  
11 licensed, operated, or permitted under the authority of the department of health and  
12 family services or the department of children and families, that facility is entitled to  
13 apply for special zoning permission to locate in areas zoned for residential use. The  
14 municipality may grant special zoning permission at its discretion and shall make  
15 a procedure available to enable such facilities to request such permission.

16 **\*-1261/5.680\* \*-1261/P3.509\* SECTION 1856.** 59.69 (15) (f) of the statutes is  
17 amended to read:

18 59.69 (15) (f) The department of health and family services shall designate a  
19 single subunit within the that department to maintain appropriate records  
20 indicating the location and the capacity of each community living arrangement for  
21 adults, and the information shall be available to the public. The department of  
22 children and families shall designate a single subunit within that department to  
23 maintain appropriate records indicating the location and the capacity of each  
24 community living arrangement for children, and the information shall be available  
25 to the public.

1           **\*-1261/5.681\* \*-1261/P3.510\* SECTION 1857.** 59.69 (15) (h) of the statutes is  
2 amended to read:

3           59.69 (15) (h) The attorney general shall take action, upon the request of the  
4 department of health and family services or the department of children and families,  
5 to enforce compliance with this subsection.

6           **\*b0138/1.1\* SECTION 1860m.** 60.37 (4) (a) of the statutes is amended to read:

7           60.37 (4) (a) An elected town officer, other than a town clerk, a town treasurer,  
8 or an officer serving in a combined office of town clerk and town treasurer, who also  
9 serves as a town employee may be paid an hourly wage for serving as a town  
10 employee, not exceeding a total of \$5,000 each year. An elected town officer, who is  
11 a town clerk, a town treasurer, or an officer serving in a combined office of town clerk  
12 and town treasurer, who also serves as a town employee may be paid an hourly wage  
13 for serving as a town employee, not exceeding a total of \$15,000 each year. Amounts  
14 that are paid under this paragraph may be paid in addition to any amount that an  
15 individual receives under s. 60.32 or as a volunteer fire fighter, emergency medical  
16 technician, or first responder under s. 66.0501 (4). The \$5,000 maximum in this  
17 paragraph includes amounts paid to a town board supervisor who is acting as  
18 superintendent of highways under s. 82.03 (1).

19           **\*-1261/5.682\* \*-1261/P3.511\* SECTION 1861.** 60.63 (intro.) of the statutes is  
20 amended to read:

21           **60.63 Community and other living arrangements.** (intro.) For purposes  
22 of s. 60.61, the location of a community living arrangement for adults, as defined in  
23 s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743  
24 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in

1 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any town shall  
2 be subject to the following criteria:

3 **\*-1261/5.683\* \*-1261/P3.512\* SECTION 1862.** 60.63 (4) of the statutes is  
4 amended to read:

5 60.63 (4) If the community living arrangement has capacity for 8 or fewer  
6 persons being served by the program, meets the criteria listed in subs. (1) and (2),  
7 and is licensed, operated, or permitted under the authority of the department of  
8 health and family services or the department of children and families, the  
9 community living arrangement is entitled to locate in any residential zone, without  
10 being required to obtain special zoning permission except as provided under sub.  
11 (10).

12 **\*-1261/5.684\* \*-1261/P3.513\* SECTION 1863.** 60.63 (5) of the statutes is  
13 amended to read:

14 60.63 (5) In all cases where the community living arrangement has capacity  
15 for 9 to 15 persons being served by the program, meets the criteria listed in subs. (1)  
16 and (2), and is licensed, operated, or permitted under the authority of the department  
17 of health and family services or the department of children and families, that facility  
18 is entitled to locate in any residential area except areas zoned exclusively for  
19 single-family or 2-family residences except as provided in sub. (10), but is entitled  
20 to apply for special zoning permission to locate in those areas. The town may grant  
21 such special zoning permission at its discretion and shall make a procedure available  
22 to enable such facilities to request such permission.

23 **\*-1261/5.685\* \*-1261/P3.514\* SECTION 1864.** 60.63 (6) of the statutes is  
24 amended to read:

1           60.63 (6) In all cases where the community living arrangement has capacity  
2 for serving 16 or more persons, meets the criteria listed in subs. (1) and (2), and is  
3 licensed, operated, or permitted under the authority of the department of health and  
4 family services or the department of children and families, that facility is entitled to  
5 apply for special zoning permission to locate in areas zoned for residential use. The  
6 town may grant such special zoning permission at its discretion and shall make a  
7 procedure available to enable such facilities to request such permission.

8           **\*-1261/5.686\* \*-1261/P3.515\* SECTION 1865.** 60.63 (7) of the statutes is  
9 amended to read:

10           60.63 (7) The department of health and family services shall designate a single  
11 subunit within ~~the~~ that department to maintain appropriate records indicating the  
12 location and the capacity of each community living arrangement for adults, and such  
13 information shall be available to the public. The department of children and families  
14 shall designate a single subunit within that department to maintain appropriate  
15 records indicating the location and the capacity of each community living  
16 arrangement for children, and such information shall be available to the public.

17           **\*-1261/5.687\* \*-1261/P3.516\* SECTION 1866.** 60.63 (9) of the statutes is  
18 amended to read:

19           60.63 (9) The attorney general shall take all necessary action, upon the request  
20 of the department of health and family services or the department of children and  
21 families, to enforce compliance with this section.

22           **\*b1265/P2.1\* SECTION 1867.** 62.13 (5) (i) of the statutes is amended to read:

23           62.13 (5) (i) Any person suspended, reduced, suspended and reduced, or  
24 removed by the board may appeal from the order of the board to the circuit court by  
25 serving written notice of the appeal on the secretary of the board within 10 days after



1 the order is filed. Within 5 days after receiving written notice of the appeal, the board  
2 shall certify to the clerk of the circuit court the record of the proceedings, including  
3 all documents, testimony and minutes. The action shall then be at issue and shall  
4 have precedence over any other cause of a different nature pending in the court,  
5 which shall always be open to the trial thereof. The court shall upon application of  
6 the accused or of the board fix a date of trial, which shall not be later than 15 days  
7 after such application except by agreement. The trial shall be by the court and upon  
8 the return of the board, except that the court may require further return or the taking  
9 and return of further evidence by the board. The question to be determined by the  
10 court shall be: Upon the evidence is there just cause, as described under par. (em),  
11 to sustain the charges against the accused? No costs shall be allowed either party and  
12 the clerk's fees shall be paid by the city. If the order of the board is reversed, the  
13 accused shall be forthwith reinstated and entitled to pay as though in continuous  
14 service. If the order of the board relating to a police officer is sustained it shall be  
15 final and conclusive.

16 \*-1261/5.688\* \*-1261/P3.517\* SECTION 1868. 62.23 (7) (i) (intro.) of the  
17 statutes is amended to read:

18 62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes  
19 of this section, the location of a community living arrangement for adults, as defined  
20 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743  
21 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in  
22 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any city shall be  
23 subject to the following criteria:

24 \*-1261/5.689\* \*-1261/P3.518\* SECTION 1869. 62.23 (7) (i) 3. of the statutes is  
25 amended to read:

1           62.23 (7) (i) 3. In all cases where the community living arrangement has  
2           capacity for 8 or fewer persons being served by the program, meets the criteria listed  
3           in subds. 1. and 2., and is licensed, operated, or permitted under the authority of the  
4           department of health and family services or the department of children and families,  
5           that facility is entitled to locate in any residential zone, without being required to  
6           obtain special zoning permission except as provided in subd. 9.

7           **\*-1261/5.690\* \*-1261/P3.519\* SECTION 1870.** 62.23 (7) (i) 4. of the statutes is  
8           amended to read:

9           62.23 (7) (i) 4. In all cases where the community living arrangement has  
10          capacity for 9 to 15 persons being served by the program, meets the criteria listed in  
11          subds. 1. and 2., and is licensed, operated, or permitted under the authority of the  
12          department of health and family services or the department of children and families,  
13          that facility is entitled to locate in any residential area except areas zoned exclusively  
14          for single-family or 2-family residences except as provided in subd. 9., but is entitled  
15          to apply for special zoning permission to locate in those areas. The city may grant  
16          such special zoning permission at its discretion and shall make a procedure available  
17          to enable such facilities to request such permission.

18          **\*-1261/5.691\* \*-1261/P3.520\* SECTION 1871.** 62.23 (7) (i) 5. of the statutes is  
19          amended to read:

20          62.23 (7) (i) 5. In all cases where the community living arrangement has  
21          capacity for serving 16 or more persons, meets the criteria listed in subds. 1. and 2.,  
22          and is licensed, operated, or permitted under the authority of the department of  
23          health and family services or the department of children and families, that facility  
24          is entitled to apply for special zoning permission to locate in areas zoned for  
25          residential use. The city may grant such special zoning permission at its discretion

1 and shall make a procedure available to enable such facilities to request such  
2 permission.

3 **\*-1261/5.692\* \*-1261/P3.521\* SECTION 1872.** 62.23 (7) (i) 6. of the statutes is  
4 amended to read:

5 62.23 (7) (i) 6. The department of health and family services shall designate  
6 a single subunit within the that department to maintain appropriate records  
7 indicating the location and number of persons served by each community living  
8 arrangement for adults, and such information shall be available to the public. The  
9 department of children and families shall designate a single subunit within that  
10 department to maintain appropriate records indicating the location and number of  
11 persons served by each community living arrangement for children, and such  
12 information shall be available to the public.

13 **\*-1261/5.693\* \*-1261/P3.522\* SECTION 1873.** 62.23 (7) (i) 8. of the statutes is  
14 amended to read:

15 62.23 (7) (i) 8. The attorney general shall take all necessary action, upon the  
16 request of the department of health and family services or the department of children  
17 and families, to enforce compliance with this paragraph.

18 **\*-0905/3.79\* SECTION 1874.** 66.0137 (3) of the statutes is amended to read:

19 66.0137 (3) HEALTH INSURANCE FOR UNEMPLOYED PERSONS. Any city, village,  
20 town, or county may purchase health or dental insurance for unemployed persons  
21 residing in the city, village, town, or county who are not eligible for medical  
22 assistance under s. 49.46, 49.468 ~~or~~, 49.47, or 49.471 (4) (a) or (b).

23 **\*b0197/4.1\* SECTION 1875m.** 66.0203 (11) of the statutes is created to read:

24 66.0203 (11) TOWN OF LEDGEVIEW IN BROWN COUNTY MAY BECOME A VILLAGE. (a)  
25 The town of Ledgeview, in Brown County, may become a village if the town holds, and

1 approves, an incorporation referendum as described in s. 66.0211 (3). None of the  
2 other procedures contained in ss. 66.0201 to 66.0213 need to be fulfilled, and no  
3 approval by the department's incorporation review board under s. 66.0207 is  
4 necessary for the town to become a village.

5 (b) The town of Ledgeview, in Brown County, shall enter into a boundary  
6 agreement with the city of De Pere, under s. 66.0307, except that the agreement need  
7 not be completed before the town holds a referendum on incorporation, as described  
8 in s. 66.0211 (3).

9 **\*b0297/2.1\* SECTION 1875p.** 66.0229 of the statutes is renumbered 66.0229  
10 (1).

11 **\*b0297/2.1\* SECTION 1875r.** 66.0229 (1) (title) of the statutes is created to read:  
12 66.0229 (1) (title) GENERAL PROCEDURES.

13 **\*b0297/2.1\* SECTION 1875s.** 66.0229 (2) of the statutes is created to read:

14 66.0229 (2) TOWN OF ROCHESTER IN RACINE COUNTY AND THE VILLAGE OF  
15 ROCHESTER MAY CONSOLIDATE. The town of Rochester, in Racine County, and the  
16 village of Rochester may consolidate if all of the procedures contained sub. (1) are  
17 fulfilled, except that the consolidation ordinance need not be submitted to the circuit  
18 court for a determination and the department of administration for a public interest  
19 finding, as otherwise required, and the consolidation may be completed without any  
20 circuit court determination or department of administration findings.

21 **\*b0297/2.1\* SECTION 1875t.** 66.0230 (1) (a) of the statutes is amended to read:

22 66.0230 (1) (a) In addition to the method described in s. 66.0229 (1) and subject  
23 to subs. (2), (3), and (4) and to s. 66.0307 (7), all or part of a town may consolidate with  
24 a contiguous city or village by ordinance passed by a two-thirds vote of all of the

1 members of each board or council and ratified by the electors at a referendum held  
2 in each municipality.

3 **\*-1524/P3.82\* SECTION 1876.** 66.0301 (1) (a) of the statutes is amended to  
4 read:

5 66.0301 (1) (a) In this section "municipality" means the state or any  
6 department or agency thereof, or any city, village, town, county, school district, public  
7 library system, public inland lake protection and rehabilitation district, sanitary  
8 district, farm drainage district, metropolitan sewerage district, sewer utility district,  
9 solid waste management system created under s. 59.70 (2), local exposition district  
10 created under subch. II of ch. 229, local professional baseball park district created  
11 under subch. III of ch. 229, local professional football stadium district created under  
12 subch. IV of ch. 229, a local cultural arts district created under subch. V of ch. 229,  
13 family long-term care district under s. 46.2895, water utility district, mosquito  
14 control district, municipal electric company, county or city transit commission,  
15 commission created by contract under this section, taxation district, regional  
16 planning commission, or city-county health department.

17 **\*-1524/P3.83\* SECTION 1877.** 66.0601 (1) (b) of the statutes is amended to  
18 read:

19 66.0601 (1) (b) *Payments for abortions restricted.* No city, village, town, family  
20 long-term care district under s. 46.2895 or agency or subdivision of a city, village or  
21 town may authorize funds for or pay to a physician or surgeon or a hospital, clinic  
22 or other medical facility for the performance of an abortion except those permitted  
23 under and which are performed in accordance with s. 20.927.

24 **\*-1524/P3.84\* SECTION 1878.** 66.0601 (1) (c) of the statutes is amended to  
25 read:

1        66.0601 (1) (c) *Payments for abortion-related activity restricted.* No city,  
2        village, town, family long-term care district under s. 46.2895 or agency or  
3        subdivision of a city, village or town may authorize payment of funds for a grant,  
4        subsidy or other funding involving a pregnancy program, project or service if s.  
5        20.9275 (2) applies to the pregnancy program, project or service.

6        **\*b1259/1.1\* SECTION 1878d.** 66.0602 of the statutes, as affected by 2007  
7        Wisconsin Act .... (this act), is repealed.

8        **\*-1170/5.1\* SECTION 1879.** 66.0602 (1) (am) of the statutes is created to read:

9        66.0602 (1) (am) "Joint fire department" means a joint fire department  
10        organized under s. 61.65 (2) (a) 3. or 62.13 (2m), or a joint fire department organized  
11        by any combination of 2 or more cities, villages, or towns under s. 66.0301 (2).

12        **\*-1170/5.2\* SECTION 1880.** 66.0602 (1) (b) of the statutes is amended to read:

13        66.0602 (1) (b) "Penalized excess" means the levy, in an amount that is at least  
14        \$500 over the limit under sub. (2) for the political subdivision, not including any  
15        amount that is excepted from the limit under subs. (3), (4), and (5).

16        **\*-1170/5.3\* SECTION 1881.** 66.0602 (1) (d) of the statutes is amended to read:

17        66.0602 (1) (d) "Valuation factor" means a percentage equal to the greater of  
18        either 2 percent or the percentage change in the political subdivision's January 1  
19        equalized value due to new construction less improvements removed between the  
20        previous year and the current year, but not less than 2. ~~Except as provided in subs.~~  
21        ~~(3), (4), and (5), no political subdivision may increase its levy in any year by a~~  
22        ~~percentage that exceeds the political subdivision's valuation factor. In determining~~  
23        ~~its levy in any year, a city, village, or town shall subtract any tax increment that is~~  
24        ~~calculated under s. 60.85 (1) (L) or 66.1105 (2) (i).~~

25        **\*-1170/5.4\* SECTION 1882.** 66.0602 (2) of the statutes is created to read:

stricken comma

15

1           66.0602 (2) LEVY LIMIT. Except as provided in subs. (3), (4), and (5), no political  
2 subdivision may increase its levy in 2007 or 2008 by a percentage that exceeds the  
3 political subdivision's valuation factor. The base amount in any year, to which the  
4 limit under this section applies, shall be the maximum allowable levy for the  
5 immediately preceding year. In determining its levy in any year, a city, village, town,  
6 or county shall subtract any tax increment that is calculated under s. 59.57 (3) (a),  
7 60.85 (1) (L), or 66.1105 (2) (i).

8           **\*b1259/1.3\* SECTION 1883e.** 66.0602 (3) (d) 4. of the statutes is created to read:

9           66.0602 (3) (d) 4. If the amount of a lease payment related to a lease revenue  
10 bond for a political subdivision in the preceding year is less than the amount of the  
11 lease payment needed in the current year, as a result of the issuance of a lease  
12 revenue bond before July 1, 2005, the levy increase limit otherwise applicable under  
13 this section to the political subdivision in the current year is increased by the  
14 difference between these 2 amounts.

15           **\*b1259/1.3\* SECTION 1883g.** 66.0602 (3) (dm) of the statutes is created to read:

16           66.0602 (3) (dm) If the department of revenue does not certify a value  
17 increment for a tax incremental district for the current year as a result of the  
18 district's termination, the levy increase limit otherwise applicable under this section  
19 in the current year to the political subdivision in which the district is located is  
20 increased by an amount equal to the political subdivision's maximum allowable levy  
21 for the immediately preceeding year, multiplied by a percentage equal to 50 percent  
22 of the amount determined by dividing the value increment of the terminated tax  
23 incremental district, calculated for the previous year, by the political subdivision's  
24 equalized value for the previous year, all as determined by the department of  
25 revenue.

1           **\*-1170/5.5\* SECTION 1884.** 66.0602 (3) (e) of the statutes is renumbered  
2 66.0602 (3) (e) (intro.) and amended to read:

3           66.0602 (3) (e) (intro.) The limit otherwise applicable under this section does  
4 not apply to ~~the amount that a county levies in that year for a county children with~~  
5 ~~disabilities education board.~~ any of the following:

6           **\*-1170/5.6\* SECTION 1885.** 66.0602 (3) (e) 1. of the statutes is created to read:

7           66.0602 (3) (e) 1. The amount that a county levies in that year for a county  
8 children with disabilities education board.

9           **\*-1170/5.7\* SECTION 1886.** 66.0602 (3) (e) 2. of the statutes is created to read:

10          66.0602 (3) (e) 2. The amount that a 1st class city levies in that year for school  
11 purposes.

12          **\*-1170/5.8\* SECTION 1887.** 66.0602 (3) (e) 3. of the statutes is created to read:

13          66.0602 (3) (e) 3. The amount that a county levies in that year under s. 82.08  
14 (2) for bridge and culvert construction and repair.

15          **\*-1170/5.9\* SECTION 1888.** 66.0602 (3) (e) 4. of the statutes is created to read:

16          66.0602 (3) (e) 4. The amount that a county levies in that year to make  
17 payments to public libraries under s. 43.12.

18          **\*-1170/5.10\* SECTION 1889.** 66.0602 (3) (e) 5. of the statutes is created to read:

19          66.0602 (3) (e) 5. The amount that a political subdivision levies in that year to  
20 make up any revenue shortfall for the debt service on a revenue bond issued under  
21 s. 66.0621.

22          **\*b1259/1.4\* SECTION 1889e.** 66.0602 (3) (e) 6. of the statutes is created to read:

23          66.0602 (3) (e) 6. The amount that a county levies in that year for a countywide  
24 emergency medical system.

25          **\*b1259/1.4\* SECTION 1889g.** 66.0602 (3) (e) 7. of the statutes is created to read:



1           66.0602 (3) (e) 7. The amount that a village levies in that year for police  
2 protection services, but this subdivision applies only to a village's levy for the year  
3 immediately after the year in which the village changes from town status and  
4 incorporates as a village, and only if the town did not have a police force.

5           **\*-1170/5.11\* SECTION 1890.** 66.0602 (3) (f) of the statutes is repealed.

6           **\*-1170/5.12\* SECTION 1891.** 66.0602 (3) (h) 1. of the statutes is amended to  
7 read:

8           66.0602 (3) (h) 1. Subject to subd. 2., the limit otherwise applicable under this  
9 section does not apply to the amount that a city, village, or town levies in that year  
10 to pay for charges assessed by a joint fire department ~~organized under s. 61.65 (2)~~  
11 ~~(a) 3. or 62.13 (2m)~~, but only to the extent that the amount levied to pay for such  
12 charges would cause the city, village, or town to exceed the limit that is otherwise  
13 applicable under this section.

14           **\*-1170/5.13\* SECTION 1892.** 66.0602 (4) (a) of the statutes is amended to read:

15           66.0602 (4) (a) A political subdivision may exceed the levy increase limit under  
16 sub. (2) if its governing body adopts a resolution to that effect and if the resolution  
17 is approved in a referendum. The resolution shall specify the proposed amount of  
18 increase in the levy beyond the amount that is allowed under sub. (2), and shall  
19 specify whether the proposed amount of increase is for the next fiscal year only or if  
20 it will apply on an ongoing basis. With regard to a referendum relating to the 2005  
21 levy, or any levy in an odd-numbered year thereafter, the political subdivision may  
22 call a special referendum for the purpose of submitting the resolution to the electors  
23 of the political subdivision for approval or rejection. With regard to a referendum  
24 relating to the 2006 levy, or any levy in an even-numbered year thereafter, the

1 referendum shall be held at the next succeeding spring primary or election or  
2 September primary or general election.

3 **\*-1170/5.14\* SECTION 1893.** 66.0602 (4) (d) of the statutes is amended to read:

4 66.0602 (4) (d) Within 14 days after the referendum, the clerk of the political  
5 subdivision shall certify the results of the referendum to the department of revenue.  
6 The levy increase limit otherwise applicable to the political subdivision under this  
7 section is increased in the next fiscal year by the percentage approved by a majority  
8 of those voting on the question. If the resolution specifies that the increase is for one  
9 year only, the amount of the increase shall be subtracted from the base used to  
10 calculate the limit for the 2nd succeeding fiscal year.

11 **\*-1170/5.15\* SECTION 1894.** 66.0602 (5) of the statutes is amended to read:

12 66.0602 (5) EXCEPTION, CERTAIN TOWNS. A town with a population of less than  
13 2,000 may exceed the levy increase limit otherwise applicable under this section to  
14 the town if the town board adopts a resolution supporting an increase and places the  
15 question on the agenda of an annual town meeting or a special town meeting and if  
16 the annual or special town meeting adopts a resolution endorsing the town board's  
17 resolution. The limit otherwise applicable to the town under this section is increased  
18 in the next fiscal year by the percentage approved by a majority of those voting on  
19 the question. Within 14 days after the adoption of the resolution, the town clerk shall  
20 certify the results of the vote to the department of revenue.

21 **\*-1170/5.16\* SECTION 1895.** 66.0602 (6) (intro.) of the statutes is amended to  
22 read:

23 66.0602 (6) PENALTIES. (intro.) If Except as provided in sub. (6m), if the  
24 department of revenue determines that a political subdivision has a penalized excess  
25 in any year, the department of revenue shall do all of the following: